

**PROPOSED**  
**CONSTITUTIONAL AMENDMENTS**  
**GENERAL ELECTION**  
**NOVEMBER 6, 2012**

**Constitutional Amendments 1 and 2**  
**Summary of Amendments**

This booklet contains copies of the two proposed amendments to the Constitution in their entirety. These amendments will be submitted at the general election on November 6, 2012. As required by the Constitution, these proposed amendments in their entirety are on file in the office of the judge of the probate court in each county and are available for public inspection. This booklet also includes summaries of the two proposals as prepared by Attorney General Samuel S. Olens, Secretary of State Brian P. Kemp, and Legislative Counsel Wayne R. Allen and published in the newspaper which is each county's official legal organ. There are no state-wide referendum questions on the 2012 general election ballot.

**CONSTITUTIONAL  
AMENDMENTS  
1 and 2**

House Resolution No. 1162  
Ga. L. 2012, p. 1364

## A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to clarify the authority of the state to establish state-wide education policy; to restate the authority of the General Assembly to establish special schools; to provide that special schools include state charter schools; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.  
BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### SECTION 1.

Article VIII, Section I of the Constitution is amended by revising Paragraph I as follows:

"Paragraph I. *Public education; free public education prior to college or postsecondary level; support by taxation.* The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation, and the General Assembly may by general law provide for the establishment of education policies for such public education. The expense of other public education shall be provided for in such manner and in such amount as may be provided by law."

### SECTION 2.

Article VIII, Section V of the Constitution is amended by revising Paragraph I as follows:

"Paragraph I. *School systems continued; consolidation of school systems authorized; new independent school systems prohibited.* Authority is

granted to county and area boards of education to establish and maintain public schools within their limits; provided, however, that the authority provided for in this paragraph shall not diminish any authority of the General Assembly otherwise granted under this article, including the authority to establish special schools as provided for in Article VIII, Section V, Paragraph VII. Existing county and independent school systems shall be continued, except that the General Assembly may provide by law for the consolidation of two or more county school systems, independent school systems, portions thereof, or any combination thereof into a single county or area school system under the control and management of a county or area board of education, under such terms and conditions as the General Assembly may prescribe; but no such consolidation shall become effective until approved by a majority of the qualified voters voting thereon in each separate school system proposed to be consolidated. No independent school system shall hereafter be established."

### SECTION 3.

Article VIII, Section V of the Constitution is amended by revising Paragraph VII as follows:

"Paragraph VII. *Special schools.* (a) The General Assembly may provide by law for the creation of special schools in such areas as may require them and may provide for the participation of local boards of education in the establishment of such schools under such terms and conditions as it may provide; but no bonded indebtedness may be incurred nor a school tax levied for the support of special schools without the approval of the local board of

education and a majority of the qualified voters voting thereon in each of the systems affected. Any special schools shall be operated in conformity with regulations of the State Board of Education pursuant to provisions of law. Special schools may include state charter schools; provided, however, that special schools shall only be public schools. A state charter school under this section shall mean a public school that operates under the terms of a charter between the State Board of Education and a charter petitioner; provided, however, that such state charter schools shall not include private, sectarian, religious, or for profit schools or private educational institutions; provided, further, that this Paragraph shall not be construed to prohibit a local board of education from establishing a local charter school pursuant to Article VIII, Section V, Paragraph I. The state is authorized to expend state funds for the support and maintenance of special schools in such amount and manner as may be provided by law; provided, however, no deduction shall be made to any state funding which a local school system is otherwise authorized to receive pursuant to general law as a direct result or consequence of the enrollment in a state charter school of a specific student or students who reside within the geographic boundaries of the local school system.

(b) Nothing contained herein shall be construed to affect the authority of local boards of education or of the state to support and maintain special schools created prior to June 30, 1983."

### SECTION 4.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I,

Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"YES ( ) Shall the Constitution  
NO ( ) of Georgia be amended to allow state or local approval of public charter schools upon the request of local communities?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

Senate Resolution No. 84  
Ga. L. 2012, p. 1363

## A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to authorize the General Assembly to allow certain state entities to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.  
BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### SECTION 1.

Article VII, Section IV of the Constitution is amended by adding a new Paragraph to read as follows:

"Paragraph XIII. *Multiyear rental agreements.* The General Assembly may by general law authorize the State

Properties Commission, the Board of Regents of the University System of Georgia, and the Georgia Department of Labor to enter into rental agreements for the possession and use of real property without obligating present funds for the full amount of obligation the state may bear under the full term of any such rental agreement. Any such agreement shall provide for the termination of the agreement in the event of insufficient funds."

#### **SECTION 2.**

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution  
( ) NO of Georgia be amended so as to provide for a reduction in the state's operating costs by allowing the General Assembly to authorize certain state agencies to enter into multiyear rental agreements?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

**SUMMARY OF PROPOSED  
CONSTITUTIONAL AMENDMENTS  
ON THE GENERAL ELECTION BALLOT  
NOVEMBER 6, 2012**

**Constitutional Amendments 1 and 2**

# **SUMMARY OF PROPOSED CONSTITUTIONAL AMENDMENTS**

Pursuant to requirements of the Georgia Constitution, Attorney General Samuel S. Olens, Secretary of State Brian P. Kemp, and Legislative Counsel Wayne R. Allen hereby provide the summaries of the proposed constitutional amendments that will appear on the November 6, 2012, general election ballot for consideration by the people of Georgia (the short headings in bold print are the same as those assigned by the Constitutional Amendments Publication Board pursuant to O.C.G.A. Sec. 50-12-101):

- 1 -

## **Provides for improving student achievement and parental involvement through more public charter school options.**

House Resolution No. 1162  
Ga. L. 2012, p. 1364

"YES ( ) Shall the Constitution  
NO ( ) of Georgia be  
amended to allow  
state or local approval  
of public charter  
schools upon the  
request of local  
communities?"

This proposal authorizes the General Assembly to provide by law for the creation of public state charter schools, which would operate under the terms of charters between the State Board

of Education and charter petitioners, while preserving the authority of local boards of education to establish local charter schools. Specifically, the proposal clarifies the authority of the General Assembly to provide for state-wide policies for public education prior to the college or post-secondary level, restates the authority of the General Assembly to establish special schools, prohibits the incurrence of bonded indebtedness or the levy of school taxes for the support of special schools without approval of the local board of education and the voters in the affected school system, provides that special schools may include public state charter schools, preserves the authority of local boards of education to establish local charter schools, authorizes the expenditure of state funds for special schools, and prohibits the deduction of certain state funds from local school districts as a direct result or consequence of the enrollment of students in state charter schools.

The General Assembly has enacted a law to exercise the authority granted by the proposed constitutional amendment to provide for public state charter schools. This law will become effective only if the constitutional amendment is ratified by the voters. This law is published at Georgia Laws 2012, p. 1298, Sec. 1, and was enacted by 2012 HB 797, Act No. 766.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -

## **Allows the state to save taxpayer funds through multiyear real estate rental agreements.**

Senate Resolution No. 84  
Ga. L. 2012, p. 1363

"( ) YES Shall the Constitution  
( ) NO of Georgia be  
amended so as to  
provide for a  
reduction in the  
state's operating costs  
by allowing the  
General Assembly to  
authorize certain  
state agencies to  
enter into multiyear  
rental agreements?"

This proposal authorizes the General Assembly to provide by law for the State Properties Commission, the Board of Regents of the University System of Georgia, and the Georgia Department of Labor to enter into rental agreements for the possession and use of real property without obligating present funds for the full amount of obligation the state may bear under the full term of any such rental agreement. Any such agreement shall provide for the termination of the agreement in the event of insufficient funds.

The General Assembly has enacted a law to exercise the authority granted by the proposed constitutional amendment to provide for multiyear rental agreements for real property. This law will become effective only if the constitutional amendment is ratified by the

voters. This law is published at Georgia Laws 2012, p. 989, and was enacted by 2012 SB 37, Act No. 717.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.